

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

Group I. Claims 1-2, drawn to a bactericide against *S. mutans* and *S. sobrinus* and a tooth decay therapeutic agent comprising said bactericide.

Group II. Claim 3, drawn to a method for selectively killing *S. mutans* and *S. sobrinus*.

APPLICANTS' ELECTION

Applicants hereby elect the invention of Group I, claims 1-2, drawn to a bactericide against *S. mutans* and *S. sobrinus* and a tooth decay therapeutic agent comprising said bactericide for prosecution at this time.

Applicants respectfully ask that if any of the elected claims of Group I are found to be allowable, the Examiner consider the rejoinder of method claims (i.e., claims of Group II) of a scope commensurate with the allowable product claims.

REMARKS

I. Status of Claims:

Claims 1-3 are pending in the subject U.S. patent application. Claims 1-3 have been subjected to a Restriction/Election Requirement. In response to the Restriction/Election Requirement, Applicants have elected the claims of Group I, claims 1-2, for prosecution at this time. Claim 3 is withdrawn from prosecution.

Claim 1 and withdrawn claim 3 have been amended by the present amendment. No new matter has been added. Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

II. Claim Amendments:

Claim 1 and withdrawn claim 3 have been amended to replace the phrase "in which one or more amino acids are deleted" with the phrase "in which a maximum 5%

of total amino acids are deleted." Support for this amendment can be found in the instant specification as filed at page 3, line 8. Claim 1 and withdrawn claim 3 have also been amended for clarifying, non-limiting purposes to replace period marks within the claims with semi-colons, to correct a typographical error with regard to the word "or," and to add the word "a" prior to the word "nucleotide" and to add the word "and" between the descriptions of the last and second to last proteins (1) to (3). No new matter has been added by this claim amendment.

CONCLUSIONS

Should there be any minor issues outstanding in this matter the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

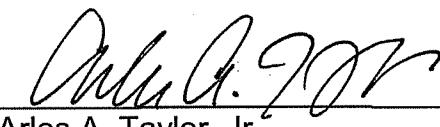
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any other fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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Date: August 13, 2009 By:


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